

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JUNE 4, 2019

The Benton County Board of Commissioners met in regular session on June 4, 2019 in the Benton County Board Room in Foley, MN with Commissioners Ed Popp, Steve Heinen, Spencer Buerkle, Jake Bauerly and Warren Peschl present. Call to order by Chair Bauerly was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Popp/Peschl unanimous to approve the amended agenda—add item: resolution to approve eminent domain along CSAH 2.

Rick Kampa (Zimmerman) appeared under Open Forum to express his concerns with boundary line problems in an area along Sharon Place in Watab Township. Todd Waytashek (5900 – 5th Avenue NW, Sauk Rapids), Watab Township Supervisor, was also present, stating that the township is very interested in resolving boundaries in this area along Sharon Place since the township needs to make road upgrades; the location on the road relative to its right-of-way is in question. Waytashek noted an opportune time to locate the marker may be during the August draw-down of Little Rock Lake. Monty Headley, County Administrator, pointed out that the County Board will be meeting tomorrow with Jay Wittstock, County Surveyor, to discuss the possibility of forming a Boundary Line Commission that would help resolve this dispute.

Heinen/Buerkle unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of May 21, 2019 as written; 2) adopt 2020 Budget Development Calendar and Budget Development Guidelines; 3) appoint Jane DeAustin to the Board of Adjustment for the term January 1, 2017-December 31, 2019; 4) approve extension of recording deadline for a minor final plat entitled “*Walz Addition*”—to August 18, 2019; 5) approve request of *St. Elizabeth Church* for a one-day 3.2 beer license for the annual church bazaar on June 23, 2019; 6) approve renewal applications for County On-Sale and Sunday Sale liquor licenses for *Molitor’s Quarry Grill & Bar* and *Coyote Moon Grill & Lounge*, and authorize the Chair to sign; 7) approve entering into a three-year contract with St. George Township for assessment services starting June 11, 2019 through April 30, 2022, and authorize the Chair to sign; and approve a local assessing contract for St. George Township with Erik Skogquist for assessment years 2020, 2021 and 2022, and authorize the Chair to sign; 8) approve a local assessing contract for Glendorado Township with Erik Skogquist for assessment years 2020, 2021, and 2022, and authorize the Chair to sign; and approve a local assessing contract for Maywood Township with Erik Skogquist for assessment years 2020, 2021, and 2022, and authorize the Chair to sign; 9) approve 2019 Boat and Water Safety Grant, and authorize the Chair to sign; 10) approve Resolution 2019-#16, accepting donation to Sheriff’s Office DARE Program from the Drug Awareness Resistance Education Fund of Central MN Community Foundation, and authorize the Chair to sign; and 11) approve Resolution 2019-#17, adopting a 0.5% local option sales tax for transportation to fund the completion of projects as set forth in the resolution, with collections of said local option sales tax to commence October 1, 2019, and authorize the Chair to sign.

Chris Byrd, County Engineer, explained that, as part of the reconstruction project on CSAH 2 near Little Rock Lake, the County needs additional highway easement to be able to construct the roadway and increase safety. He stated that the Public Works department has been negotiating in good faith with landowners to acquire necessary permanent easements; it is in the best interest of the public and the environment to reconstruct this portion of the roadway at the same time the DNR is lowering the water

level on Little Rock Lake. Byrd stated the need to start eminent domain proceedings while continuing to negotiate with landowners until the point a hearing is necessary. Popp/Peschl unanimous to adopt Resolution 2019-#18, a resolution to file the necessary petitions for eminent domain along CSAH 2, and authorize the Chair to sign.

A public hearing to consider the minor final plat entitled "*Bambenek Addition*" in Sauk Rapids Township, submitted by Jason Bambenek, was opened at 9:20 AM. Roxanne Achman, Department of Development Director, stated that the request is to plat three single family lots in Sauk Rapids Township; the owner intends to build a home on the remaining 22 acres. She noted that access to the property will be from 17th Avenue NW and the extension of 16th Avenue NW; extension of the road will need to be coordinated with Sauk Rapids Township. Achman stated that the township did provide written approval of the preliminary plat; the City of Sartell has also reviewed the plat and has no concerns. With no one present wishing to address the County Board, the public hearing was closed at 9:22 AM. Peschl noted that the Planning Commission recommended approval of the plat. Peschl/Heinen unanimous to approve the final plat of "*Bambenek Addition*" as recommended by the Planning Commission, and authorize the Chair to sign the final plat.

A public hearing to consider the minor final plat entitled "*St. George Corners—North*" and the minor final plat entitled "*St. George Corners—South*", submitted by Doug and Lori Lezer, was opened at 9:25 AM. Achman explained that the request includes two cluster subdivisions/two plats, with three single family lots in each plat along County Road 25. She stated the landowner's desire to reduce the size of these lots to preserve crop land to the extent possible; all lots will have shared access with another lot. Achman noted that cluster subdivisions have many of the same regulations as a residential district; there are no feedlots within 660 feet. She stated that there were some concerns expressed by residents over the lot sizes and the number of lots for this area; however, the lots meet the requirements as outlined in the Development Code. Addressing the Board at this time was Jim Studenski (5115 – 75th Avenue NE, Sauk Rapids). He stated a concern with the southern plat, stating "now we have to look at three houses across the road". Studenski also referenced two proposed driveways on the south section, stating his belief that the driveway across from his own driveway should be removed. There was no one else present to address the Board; the public hearing was closed at 9:32 AM. Achman confirmed that the driveway referenced by Studenski will be removed and the new locations will be installed. Peschl reported that the Planning Commission recommended approval of the plat. Popp/Peschl unanimous to approve the final plats of "*St. George Corners—North*" and "*St. George Corners—South*" as recommended by the Planning Commission, and authorize the Chair to sign the final plats.

A public hearing to consider approval of Ordinance No. 474, adopting the 2040 Benton County Comprehensive Plan, was opened at 9:33 AM. Achman reported that this is the final stage of the Benton County Comprehensive Plan update; an open house on the Plan was held May 8th and the Planning Commission recommended approval on May 23rd following the public hearing. Lance Bernard of HKGi provided an overview of the Plan, which sets a 20-year vision, provides a framework for local decision making, and provides guidance for landowners and developers. He reported on general themes of the Plan, along with the Land Use, Transportation, and Parks and Trails components. Bernard commented "...we've come to the conclusion that we want to pare back a little of the highway commercial along Highway 10 between Rice and Sartell...there are some existing residential neighborhoods along the Highway 10 corridor that we don't see changing over time...one of the recommendations for the County Board to consider today is to just remove and scale back a little of that highway commercial so that it doesn't overlap with those existing neighborhoods...it's a very minor change..." Achman clarified that the parks chapter in the Plan will succeed the existing master plan for

parks. There was no one else present to address the Board; the public hearing was closed at 9:44 AM. Peschl commented "...I'd like to commend Roxanne and Lance...they've done a very good job..." Several Board members stated their agreement. Buerkle commented "...there's some things in here that I personally don't like...most of it I agree with...I'd like to put in an objection to the energy part...this is a political issue...I don't know that it belongs in a comp plan...the legislature did not pass the Governor's recommendation this time...are we taking a stance that we disagree with the legislature and go along with the Governor...but I don't want to throw the whole thing out because of that issue...I'd like the record to clearly show that that is my concern..." Achman noted that the Development Code update will be another opportunity to discuss this issue. Peschl/Heinen unanimous to approve Ordinance No. 474, adopting the 2040 Benton County Comprehensive Plan, with the recommended change to redefine the highway commercial areas along Highway 10, and authorize the Chair to sign.

The Regular County Board meeting was recessed at 9:50 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:59 AM.

Nicole Ruhoff, Public Health Nursing Supervisor, explained that the draft Tobacco Retail Licensing Ordinance is complete and the template letter for vendors has been drafted. She provided an overview of the proposed changes to the Ordinance as follows—updating definitions to meet standard state and federal definitions, proximity to schools, sampling prohibited, instructional programs, minimum price and packaging for cigars, price promotion, and increase minimum purchase age to 21 (T21). Peschl/Popp unanimous to recommend a date for the public hearing on the ordinance (July 16, 2019).

Bob Cornelius, Human Services Director, requested Board approval to request an evaluation of the Human Services Office Support Specialist position for possible reclassification. He outlined a number of changes to the position since the last class and comp study which was completed in 2008. Bauerly referenced the class and comp study which the Board approved at their last meeting. Cornelius stated his desire to have this position evaluated prior to waiting for the study to occur. Heinen commented on the importance of having trained staff at the front desk. Buerkle/Heinen unanimous to approve the request for evaluation of the Human Services Office Support Specialist position.

Troy Heck, County Sheriff, reported that Benton County and the MN Department of Corrections have had a very successful partnership in running the Sentence to Service program; this program provides an STS crew leader for Benton County; the leader provides the supervision duties for up to ten crew members/inmates for up to 40 hours per week, training and transportation of the crew and reporting of activities. Heck stated that the new proposed two-year contract would take effect July 1, 2019 and expire on June 30, 2021; Benton County's total obligation under this contract is not to exceed \$142,621.60 (a cost increase of \$11,025.84 or 8.4% over the cost of the 2017-2019 STS contract). Heck stated that the STS program plays an important part in reducing incarceration costs incurred by Benton County by providing jail time credit and court fine credit to eligible, non-violent offenders who work on community improvement projects in Benton County. Also present at the meeting were STS supervisor, Vic Moen and STS crew leader, Darin Williams. Moen reported that the STS program has run for over 20 years in Benton County; under the current contract which began in July 2017, the STS crew performed over 10,000 hours of labor; over 6,000 of those hours were county projects. Board members had several questions—how the townships are charged for STS crew services, revenues generated versus county costs. Moen noted that the STS program has changed over time; he personally feels this program should be expanded across the state. Heck stated his agreement that the program is

invaluable both for the county and the community and also for the offenders. Peschl/Heinen unanimous to approve the Sentencing to Service contract renewal for the period July 1, 2019 through June 30, 2021, and authorize the Chair to sign.

Don Daraskevich, MCIT Risk Management Consultant, appeared before the Board to present the 2019 MCIT Board report. He explained that MCIT is a joint powers entity where members pool resources to provide property, liability and workers' compensation coverage, risk management services and loss control services; 81 of 87 Minnesota counties are in the MCIT program and over 380 other county-related entities are also served. Daraskevich provided an overview of the history of MCIT, dividends returned, property/casualty and workers' compensation claims for the period 2014-2018 (claim frequency/claim severity), 2019 coverage enhancements, and MCIT consultation services, training and the employee assistance program. Bauerly requested workers' compensation claims data (frequency and severity) specific to Benton County.

Monty Headley, County Administrator, presented two proposed leases for office space in the Eastgate complex in East St. Cloud; two suites are located in the Eastgate III building at 451 East St. Germain Street, while a third suite is located in the Eastgate II building at 425 East St. Germain Street. Headley stated a cost of \$12 per square foot plus CAM (Common Area Maintenance) costs for years one and two, with years three through five subject to a 3% adjustment; lease term is five years. Headley referenced several sections in the agreements, including fiber connection and janitorial arrangements; the County Attorney's recommended changes have been incorporated into the lease agreements. Bauerly commented "...this may or may not be a long term solution...I would have liked to see a three-year with a two-year option to renew..." Popp stated "...I find it kind of ironic that he went after a 3% increase right away for years three, four and five when we know how long these buildings have been sitting there..." Buerkle commented "...there's no better lease an owner can get...I think that whoever is sitting in these chairs two years from now should be starting to develop plans as to where they want to go with this..." Heinen added "...I would have to agree with Commissioner Buerkle...if it actually works out after the first two years...I think we need to look long term then..." Peschl/Popp unanimous to approve five-year leases with Eastgate II, 425 East St. Germain and Eastgate III, 451 East St. Germain, and authorize the Chair to sign. Headley requested formal approval of the East Gate remodeling plan as presented. Motion by Buerkle to approve the remodeling plan and start-up budget for the suites in Eastgate III. Second by Heinen. Bauerly stated "...my concern is what if the owner has a 20% mark-up in there..." Popp commented "...I'm just a little worried about the potential add-on costs...we'll have no way out after we sign the lease..." Bauerly stated that he would like to see two bids. Headley noted that the building owner used his architect to develop these remodeling estimates; no contractor has been selected yet. Heinen agreed that the Board needs to have "hard numbers"; perhaps include a contingency in the lease agreement approvals of receiving two bids. Peschl suggested contacting the County Attorney's Office for advice. Heinen stated "...it's general practice to get two or three bids...as long as one of the two bids are below or equal to the numbers we have in front of us, then we would have a sense of assurance that we know where we are going to be..." Headley summarized "...sounds like we want approval of the lease to include language that says the building owner shall obtain two bids for building renovations..." Headley suggested that the Board may wish to rescind approval of the leases until the new language is included and a new lease is brought back to the Board. Bauerly suggested that the motion on the floor be amended to include subject to final approval of the remodeling bids. Peschl amended his previous motion to include approval of the two lease agreements, subject to receiving two bids for the remodeling project at Eastgate III (as long as the bids come in at, or under, the estimate provided by the building owner, the Administrator may approve the lowest responsible

bidder). Popp, as second, was in agreement with the amended motion. The amended motion carried unanimously.

Board members reported on recent meetings they attended on behalf of the county.

Under Commissioner Concerns, Commissioner Popp reported that Sherburne County officials have invited the Benton County Board to a workshop in June to discuss the Elk River Watershed Association.

Peschl/Heinen unanimous to set Committees of the Whole: May 31, Central MN Freight Forum; June 11, Workshop with Sherburne County Officials to Discuss Elk River Watershed Association (moved to June 25); June 13, Quarterly Business Report Review; and August 6, Employee Service Recognition.

Peschl/Popp unanimous to conduct a closed session of the County Board (at 11:35 AM) under MN Statutes §13D.05, Subd. 3, to develop or consider offers or counteroffers for the purchase of real or personal property; subject property is a 1.69 acre parcel (Parcel ID 130112300) within the City of Foley and adjacent to the Benton County Courts Facility property.

The County Board returned to open session at 11:45 AM.

Popp/Heinen unanimous to adjourn at 11:46 AM.

A. Jake Bauerly, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator